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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

UNIVERSAL TRADING & INVESTMENT  
CO., Plaintiff,

v.

PETRO MIKOLAYEVICH KIRITCHENKO, et  
al.,

Defendants.

Case No.: C99-3073 MMC (EDL)

**AMENDED ORDER  
REGARDING PROPERTY SALE AND  
SALE PROCEEDS**

**ORDER**

Defendant's Motion to Release Attachment on the property at 1901 Jackson Street No. 1, San Francisco, California (Assessor's Parcel Nos. 5-601-21) came on for hearing on April 3, 2007, the Honorable Elizabeth D. Laporte presiding. John Aspelin appeared on behalf of Plaintiff Universal Trading & Investment Company, and Michael D. Lisi appeared on behalf of Defendant Peter Kiritchenko. Having considered the papers submitted in support of and opposition to the Motion, the arguments of counsel, and good cause appearing, the Court enters the following ORDERS as follows:

1. The Motion with respect to the proposed modification of the Wilshire Property Trust is hereby GRANTED. The trustee of First Bank trust account number 43-008-01-3 (the trust holding

1 the sales proceeds from 10727 Wilshire Boulevard, Unit 1502, Los Angeles, California) shall be  
2 permitted to pay quarterly and annual taxes related to that trust, as well as reasonable fees to a  
3 certified public accountant in connection with the preparation of such tax returns. This amendment  
4 shall apply retroactively to the opening of the Trust.

5 2. It is further ORDERED that Defendant shall have a continuing obligation during the  
6 course of this litigation to provide Plaintiff with account statements for the Wilshire Property Trust,  
7 as well as the trust in connection with the proceeds from the sale of 1901 Jackson Street No. 2, San  
8 Francisco, California.

9 3. Except as provided above, the Motion with respect to the attachment on 1901 Jackson  
10 Street No. 1, San Francisco, California, Assessor's Parcel Nos. 5-601-21 ("the Property") is hereby  
11 CONTINUED subject to the following conditions:

- 12 a. No later than April 5, 2007, Defendant shall file with the Court a copy of the  
13 appraisal of the Property that Defendant is now obtaining ("Defendant's  
14 Appraisal");
- 15 b. Defendant shall also provide Plaintiff's counsel a copy of Defendant's Appraisal,  
16 including the identity of the entity or person who performed the appraisal, and  
17 shall disclose the terms and conditions of the sale, including any fees or  
18 commissions to be paid out of the sales proceeds;
- 19 c. The parties shall meet and confer as soon as possible to address any concerns or  
20 questions that Plaintiff may have regarding Defendant's Appraisal. If Plaintiff  
21 has a good faith basis for believing that Defendant's Appraisal is objectionable,  
22 and the parties cannot resolve Plaintiff's concerns during the meet and confer,  
23 Plaintiff may, by no later than April 12, 2007, file objections to Defendant's  
24 Appraisal and/or obtain and file with the Court its own appraisal of the Property  
25 ("Plaintiff's Appraisal"); and in the event Plaintiff seeks its own appraisal,  
26 Defendant shall cooperate in permitting Plaintiff's appraiser to inspect the  
27 Property;
- 28 d. If Plaintiff has no objection to Defendant's Appraisal, Plaintiff shall file a notice

of non-objection with the Court as soon as possible.

4. Following submission of any objections and/or Plaintiff's Appraisal, the Court shall review the appraisal(s) of the Property and issue a further Order regarding Defendant's Motion to Release the Attachment.

**IT IS SO ORDERED.**

Dated: April 5, 2007



THE HON. ELIZABETH D. LAPORTE  
UNITED STATES MAGISTRATE JUDGE